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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,801	09/03/2003	Terry G. Jones	HORS:008	4550
29395	7590	11/28/2005	EXAMINER	
H. DALE LANGLEY, JR. THE LAW FIRM OF H. DALE LANGLEY, JR. PC 610 WEST LYNN AUSTIN, TX 78703			CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/653,801

Applicant(s)

JONES ET AL.

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08302004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Claims 6-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 17 November 2005.
2. Applicant's election of Group I and the species of Figs. 1-6, claims 1-5 and 16, in the reply filed on 17 November 2005 is acknowledged. Because Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

It is noted that Applicant's response of 17 November 2005 states "Accordingly, Claims 6-15 in Groups II-IV have been cancelled." If Applicant intends to cancel these claims, they should be formally cancelled in the listing of claims section in Applicant's next response.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) **not mentioned in the description**:

In Fig. 3, numerals **310a** and **312a** are not described in the specification.

In Fig. 6, numeral **602** is not described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they **do not include the following reference sign(s) mentioned in the description:**

Grip **106** as recited on p. 5, line 3.

Additional gears **314** and **316** as recited on p. 11, line 17 to p. 17, line 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

On p. 7, confusion arises with "housing portion 109b" (line 5) and "cleaning element 109b" (line 14) since they both have the same reference numeral.

On p. 13, line 8, "gear rack 30" should read --gear rack 308--.

On p. 14, line 11, the phrase "mid-portion of the 313 of—is awkwardly written and confusing.

On p. 18, line 11, it is unclear what Applicant intends "a swiffer" to be.

Appropriate use of trademarks should be utilized.

Appropriate correction is required

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Brock '630.

The patent to Brock '630 discloses a system for cleaning, comprising a handle 17 and a head 10 having a cleaning surface 11, connected to the handle, wherein the head is extendable to selectively widen the cleaning surface (see phantom lines in Fig. 2; p. 1, lines 13-19 and 57-89).

As for claim 2, the head is also contractable to selectively narrow the cleaning surface (see phantom lines in Fig. 2; p. 1, lines 13-19 and 57-89).

8. Claims 1-4 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bailey '147.

The patent to Bailey '147 discloses a system for cleaning (Figs. 1 and 2), comprising a handle 14 and a plate or head 16 having a cleaning surface defined by brush(es) 12, connected to the handle, wherein the head is extendable to selectively widen the cleaning surface (Fig. 1; col. 1, lines 25-30 and col. 2, lines 58-67).

As for claim 2, the head is also contractable to selectively narrow the cleaning surface (col. 1, lines 25-30).

As for claim 3, there is a gear 36 connected to the handle 14 and operably connected to the head, so that a pivoting or twist of the handle 14 rotates the gear, wherein rotation of the gear selectively extends the head to selectively widen the cleaning surface (Fig. 1).

As for claim 4, the reverse rotation of the gear 36 selectively contracts the head to selectively narrow the cleaning surface.

As for claim 16, Bailey '147 teaches a system for cleaning in Figs. 1 and 2, comprising a handle 14, a cleaning plate or head having a central portion 16 and dual extension portions 12, 12 connected to the handle (at least indirectly), wherein the dual extension portions of the cleaning head are pivotally connected at pivotal shaft 24 to the central portion of the cleaning head, and opposing asymmetric gears 36, 36, engagingly connected to the central portion and to respective ones of the dual extension portions (at least indirectly), to actuate respective ones of the dual extensions 12, 12 into laterally extended positions on opposing sides of the central portion in order to extend the cleaning head (Fig. 1; col. 1, lines 25-30 and col. 2, lines 58-67).

Allowable Subject Matter

9. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Hisey is relevant to an adjustable length broom head.

11. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Richard Crispino, can be reached at (571) 272-1226. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744